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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 003227

SIPDIS

E.O. 12958: DECL: 12/18/2011

TAGS: PHUM EPET PREL NI

SUBJECT: NIGERIA: U.S.-U.K. TEAM RAISES VOLUNTARY PRINCIPLES ON HUMAN RIGHTS AND SECURITY WITH OIL COMPANIES AND GON

1. (U) Classified by Ambassador Howard F. Jeter; Reasons 1.5 (b) and (d).

2. (C) Summary: A joint delegation from the British Foreign Office and the State Department met Nigerian government officials and oil company representatives from November 26-28 in Lagos and Abuja to discuss implementation in Nigeria of the Voluntary Principles on Security and Human Rights. HMG, the USG, seven U.S. and U.K. oil and mining companies, and a number of human rights groups had signed the Principles in Washington on December 20, 2000. GON officials welcomed the Principles as an effort to support the rule of law and human rights in the Niger Delta. Meetings with companies resulted in suggestions to hold an in-country working-level security meeting, a NGO meeting in Lagos, and presentation of the Principles to the Niger Delta Security Committee (NDSC) and the Oil Producers Trade Section (OPTS).

3. (C) Initial misunderstandings of the purpose of the delegation's visit and nature of the Voluntary Principles by the Ministry of Foreign Affairs and the Nigerian National Police brought into focus the great sensitivity surrounding politics and security in the Delta Region. For progress in implementation of the Principles, continuing communication with and among the oil companies and the GON is necessary. End summary.

4.(U) The joint delegation consisted of Maria Pica, Bureau of Democracy, Human Rights, and Labor, Department of State; Christopher Camponovo, Office of the Legal Adviser/Human Rights, Department of State; Gregor Lusty, Head of Global Citizenship Unit, Foreign and Commonwealth Office; and Andrew Woodcock, Global Citizenship Unit, Foreign and Commonwealth Office.

Assistance from the Foreign Ministry

5. (U) On Monday, November 26, the group met with M.G. Omotosho, Minister Counselor of the Legal and Treaties Division and members of the Legal and Consular Bureau of the Foreign Ministry. After the briefing on the Voluntary Principles, Mr. Omotosho said the Foreign Ministry would support the Principles which he saw as promoting human rights and the rule of law.

6. (U) Omotosho asked whether the Niger Delta Development Corporation (NDDC), a government-industry funded development foundation, was involved. He suggested the delegation meet with the Department of Petroleum Resources rather than the Nigerian National Petroleum Corporation (NNPC). The delegation stressed that their meetings were solely to inform the GON about the initiative.

7. (C) Omotosho mentioned that there was a great deal of sensitivity about the petroleum industry, security and the Niger Delta. The delegation understood this as an oblique reference to Minister of State for Foreign Affairs Dubem Onyia's calling in Ambassador Jeter and British DCM Charles Bird separately on November 23 to protest scheduling meetings for the delegation with State Governors. After the purpose of the meetings was explained, the Minister still insisted they be cancelled because they had been scheduled without his Ministry's approval, "in violation of Nigeria's sovereignty."

8. (C) Comment: The Protocol Office of the Foreign Ministry was involved in the visit from the outset and had received a copy of the delegation's schedule. The MFA Protocol Counselor seemed unaware that the Minister of State would protest the meetings with Governors. The Counselor also seemed confused that the rules of the game had changed for this delegation --Embassies had never been required to get permission to speak to Governors before nor be accompanied at all times on their calls, as Omotosho requested during the

meeting. End comment.

¶9. (C) With an MFA Treaty Division official in tow, the delegation met Funsho Kupolokun, Special Assistant to the President on Petroleum Matters and the NNPC's Group General Manager for Corporate Planning and Development J.T. Okubute. After the briefing, Okubute asked what the NNPC needed to do to join the process. The delegation informed him that the purpose of their meeting was to inform the NNPC, and they could benefit from the process by: 1) independently incorporating the Principles in their own operations; and 2) engaging U.S. and U.K. companies to share security best practices.

¶10. (SBU) Kupolokun said any process that promoted human rights and helped long-term economic investment in the Delta was a win-win situation for Nigeria and enjoyed his total support.

Discussion with Two Senators from the Delta

¶11. (C) The delegation had lunch with Niger Delta Senators Udo Udoma from Akwa Ibom State, (Chair of the Appropriations Committee), and Emmanuel W.J. Diffa from Bayelsa State (the Alliance for Democracy Party Deputy Whip). Both welcomed the Principles as an effort to improve relations between the companies and communities. They described the recently established Niger Delta Security Committee (NDSC) for oil field security, and suggested that the Voluntary Principles be brought to the NDSC's attention.

¶12. (C) The Senators felt that relations between the companies and communities could improve, and that the legacy of failed Federal government programs was part of the problem. They agreed that more needed to be done to bridge the expectation gap between companies and communities.

¶13. (C) Udoma mentioned the disagreement between Governor Attah and Exxon-Mobil over the company's refusal to move its national headquarters to Akwa Ibom. Udoma was scheduled to meet with Exxon-Mobil representatives, and said he would present them with a copy of the Principles.

¶14. (U) The delegation made a call on the National Human Rights Commission (NHRC) and received a briefing from mid-level officials. (Senior officers and staff were holding a general meeting in Ebonyi State.) The NHRC officials informed the group that they receive over thirty complaints of human rights violations a day and are unable to address them all. Moreover, the zonal office of the NHRC for the Delta (in Port Harcourt) had not yet opened.

Meeting the Companies in Lagos

¶15. (SBU) In Lagos, the delegation called briefly on Chevron-Texaco Managing Director Ray Wilcox, and spoke at length with Sole Omole, Chevron's Government Relations Officer. Omole said that the Chevron-Texaco merger had occupied most of their attention in 2001, and not much progress had been made implementing the Voluntary Principles. Nor, in fact, had they furthered Chevron-Texaco's stakeholder dialogue to the degree expected. He suggested a working-level security meeting with the oil companies, and presentation of the Principles to the Niger Delta Security Committee. The NDSC had discussed security issues in its first three meetings, but not human rights. He thought that the Principles would be a good way to introduce the subject.

¶16. (SBU) Omole also suggested a NGO meeting with company representatives, similar to one held by Chevron in San Francisco. An impartial moderator and ground rules could focus the discussion. He stated the meeting should be held in Lagos, and that the Constitutional Action Network should be invited. Omole was scheduled to attend a San Francisco meeting the following week where the Voluntary Principles and other corporate responsibility initiatives would be discussed. (Note: While American members of the delegation met with Chevron-Texaco, the British delegation met with representatives from Shell Nigeria. End Note)

¶17. (SBU) During an informal lunch attended by

representatives from Exxon-Mobil, Conoco and Shell, Precious Omuku of Shell argued for introducing the Principles to the Oil Producers Trade Section (OPTS) and its Security Subcommittee. He promised Shell would champion the Principles within the OPTS. John Capps, President and Managing Director of Conoco Energy Nigeria Limited, said that the Principles did not need to wait for the consensus required by approval in OPTS. While he acknowledged OPTS approval would be helpful, companies could immediately implement the Principles if they were consistent with their internal corporate practices. Capps said that Conoco was implementing many of the Principles already.

18. (SBU) O.A. Adeyemi-Wilson, Exxon-Mobil General Manager for External Affairs, and Cyril Odu, Exxon-Mobil General Manager for Human Resources, were active participants in the meeting even though their corporate headquarters have not endorsed the Voluntary Principles. Both agreed that tabling the Principles before the OPTS was a good idea. They said they would reexamine the applicability of the Principles to Exxon-Mobil operations in Nigeria. If the Principles could be successfully implemented in Nigeria, perhaps Exxon-Mobil headquarters might be convinced to participate.

The Non-Meeting with the Assistant Inspector General of Police

19. (C) Assistant Inspector General of Police for Operations Theo Akeredolu postponed his Monday meeting with the delegation until Wednesday. When the delegation returned from Lagos for the meeting, Akeredolu then balked that he could not officially meet with them without written approval from the Presidency. Because the matter dealt with national security, he did not believe the Foreign Ministry's approval was sufficient. Despite his apparent reticence, he listened as the delegation gave him a quick briefing on the Voluntary Principles, and promised to keep him informed of their activities.

20. (C) At the Presidency, Oby Ezekwesili, Special Advisor to the President on Foreign Affairs, expressed her support for the Principles, an effort she described as "supporting human rights, good governance and the rule of law." Ezekwesili stressed the sensitivity of the Niger Delta and the importance of working through appropriate bureaucratic channels.

21. (SBU) The delegation assured her that the purpose of the briefings was to provide information on the Principles to key government entities. They further noted that the process was characterized by both discretion and deliberation: Participants would "go no further in implementation without the full support of the GON and only at a comfortable pace for the companies."

22. (SBU) Ezekwesili requested a two-page non-paper on the Principles to brief the President and to pass to the three members of the Niger Delta Security Committee with whom she has regular contact. The delegation said they would forward through the Embassy a report of their visit.

23. (C) Comment: The initial reticence of GON Officials at the Police and Ministry of Foreign Affairs to meet or allow meetings on the Principles evinces the Government's sensitivity to Delta issues, including relations with oil companies, police matters and foreign involvement in the region. These contretemps did not, however, hurt the usefulness of the visit. Once bureaucratic concerns were addressed, all of the government officials supported the Voluntary Principles and viewed them as a useful means for promoting security in the Delta.

24. (C) Throughout the visit oil company representatives appeared very open to the Voluntary Principles. Assertions by some of the companies that current practices already accord with the Principles were encouraging. However, both the government's and the oil companies' future approaches to security and human rights in the Niger Delta must be measured by their actions. Chevron admits that they have made little progress implementing the Principles and its MD seems lukewarm to the process. Clearly change is still needed and it is possible that the Voluntary Principles may provide a vehicle for such improvement.

25. (U) Implementation will be the key. Progress will be maximized by the establishment of an Embassy position with responsibilities for corporate responsibility (including the Voluntary Principles). Continued contact on these issues

through the establishment of personal relationships between the proposed Corporate Responsibility Officer and key Delta and GON players is key to future success. End comment.
Jeter